

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 DARRIN MYLES HARTLEY,

13 Defendant.

CASE NO. CR20-0152-JCC

ORDER

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15 This matter comes before the Court *sua sponte*. On September 16, 2020, Defendant was
16 charged by indictment with possession of controlled substances with intent to distribute. (Dkt.
17 No. 9.) Trial is scheduled for November 16, 2020. (*See* Dkt. No. 13.)

18 Over the past six months, the COVID-19 pandemic has significantly impacted the
19 Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of
20 which the Court incorporates by reference.) Specifically, the pandemic has rendered the Court
21 unable to obtain an adequate spectrum of jurors to represent a fair cross section of the
22 community, and public health guidance has impacted the ability of jurors, witnesses, counsel,
23 and Court staff to be present in the courtroom. (*See generally id.*) Recently, conditions have
24 improved such that the Court can resume a limited number of in-person criminal jury trials.
25 Chief Judge Martinez has concluded that:

26 [F]or the foreseeable future, it will be possible to proceed with only one in-person

criminal jury trial at a time at each of the district's two courthouses. The order in which pending criminal cases will proceed to trial will be determined by the Court in consultation with the Federal Public Defender's Office and the United States Attorney's Office.

¹⁵ W.D. Wash. General Order 15-20 (Oct. 2, 2020) at 2.

Accordingly, the Court CONTINUES trial to May 24, 2021. Further, the Court FINDS the ends of justice served by continuing trial to this date outweigh Defendant's and the public's interests in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

1. The COVID-19 pandemic has rendered the Court unable to obtain an adequate spectrum of jurors to represent a fair cross section of the community, which would likely make proceeding with an earlier trial impossible or, at a minimum, would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

Accordingly, the Court ORDERS:

1. Trial in this matter is CONTINUED to May 24, 2021.
 2. The pretrial motions deadline is EXTENDED to April 12, 2021.
 3. All pretrial filings—including trial briefs, motions in limine, proposed voir dire, proposed jury instructions, and proposed verdict forms—must be submitted no later than Monday, May 3, 2021.
 4. The period from the date of this order until May 24, 2021, is an excludable time period under 18 U.S.C. section 3161(h)(7)(A).

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ORDER
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2 DATED this 14th day of October 2020.
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John C. Coughenour
UNITED STATES DISTRICT JUDGE